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March 26, 1993

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: MM Docket No. 93-26
Bowdon, Georgia

ORIGINAL
RECEIVED
MAR 26 1993

Dear Ms. Searcy:

Transmitted herewith on behalf of Terry C. Jenks are ^{FEDERAL COMMUNICATIONS COMMISSION} ~~an~~ ^{OFFICE OF THE SECRETARY} original and six (6) copies of his "Supplement to Joint Request for Dismissal of Application and Approval of Settlement Agreement" in the above-referenced proceeding.

Should any question arise concerning this matter, please communicate with this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH

Patricia A. Mahoney
Patricia A. Mahoney
Counsel for Terry C. Jenks

PAM/dlr
Enclosure
cc: The Honorable Richard L. Sippel*
James Shook, Esquire*
Dan J. Alpert, Esquire
Audrey P. Rasmussen, Esquire
*By Hand

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BEFORE THE

Federal Communications Commission


[REDACTED]

Accordingly, the Joint Request should be granted, the settlement agreement should be approved, and the application of Spectrum should be dismissed with prejudice.

Respectfully submitted,

TERRY C. JENKS

By:


Patricia A. Mahoney
Kathleen Victory
His Attorneys

FLETCHER, HEALD & HILDRETH
1300 North 17th Street
11th Floor
Arlington, Virginia 22209
(703) 812-0400

March 26, 1993

DECLARATION

I, Terry C. Jenks, do hereby declare under penalty of perjury, that the following is true and correct:

1. I am an applicant for authority to construct and operate a new FM broadcast station at Bowdon, Georgia.

2. I have entered into a settlement agreement with Spectrum Broadcasting, Co. (Spectrum), which has been submitted to the Presiding Judge in the Bowdon, Georgia hearing proceeding for his approval. The agreement is in the public interest because it eliminated one of four mutually exclusive applications in the hearing proceeding. There remain now only two applicants in that proceeding. Thus, the agreement with Spectrum substantially reduced the resources that the Commission and all parties must devote to the proceeding and should contribute to a more expeditious resolution of the proceeding so that new FM service can be initiated in Bowdon as soon as possible.

3. My application was not filed for the purpose of reaching or carrying out a settlement agreement. I was the original proponent of the allotment for Bowdon.

4. I will not pay to Spectrum or any of its principals any money or other consideration in excess of the legitimate and prudent expenses of Spectrum, as approved by the Presiding Judge.

5. My agreement with Spectrum is that I will pay to Spectrum all reasonable and legitimate expenses incurred by Spectrum not to exceed \$12,000.00. Spectrum has represented to me that its expenses exceed \$12,000.00, including the hearing fee payment of \$6,760.00. It is my understanding that Spectrum is

eligible for and will seek reimbursement from the Federal Communications Commission (FCC) for that \$6,760.00 fee. My reimbursement of Spectrum's expenses will not, therefore, include reimbursement of any portion of Spectrum's hearing fee payment of \$6,760.00 unless Spectrum demonstrates to my satisfaction that

CERTIFICATE OF SERVICE

I, Diane L. Roper, a secretary at the law firm of Fletcher, Heald & Hildreth, do hereby certify that true copies of the foregoing "Supplement To Joint Request For Dismissal Of Application And Approval Of Settlement Agreement" were sent this 26th day of March, 1993, by first-class United States mail, postage prepaid, to the following:

- * The Honorable Richard L. Sippel
Office of Administrative Law Judges
Federal Communications Commission
2000 L Street, N.W., Room 214
Washington, D.C. 20554
- * James Shook, Esquire
Mass Media Bureau